

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	5:22-cv-01611-DOC-JC	Date	July 10, 2024
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Title	Prentiss Albert Banks v. Sean Moore
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Present: The Honorable	Jacqueline Chooljian, United States Magistrate Judge
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Kerri Hays	None	None
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorneys Present for Petitioner:

none present

Attorneys Present for Respondent:

none present

Proceedings: (IN CHAMBERS) ORDER DENYING PETITIONER’S REQUEST FOR THE APPOINTMENT OF COUNSEL

On September 9, 2022, petitioner, a state prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 (“Petition”), essentially challenging the state courts’ rejection of his petition for resentencing in Riverside County Superior Court Case No. CR40838. In the Petition, petitioner requests that the Court appoint counsel for him in these proceedings (“Petitioner’s Request”). See Petition at 12, ¶ 5 (petitioner’s declaration requesting counsel to represent petitioner regarding the petition to recall his sentence).

Petitioner’s Request is denied without prejudice at this time. This determination is based on: (a) the Court’s current evaluation of (i) the likelihood of success on the merits; and (ii) Petitioner’s ability to articulate his claims *pro se* in light of the complexity of the legal issues involved; and (b) the Court’s current assessment that neither the Constitution nor the interests of justice warrant the appointment of counsel at this stage of the proceedings. See *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). If the Court ultimately concludes that an evidentiary hearing is warranted in this matter, the Court will then appoint counsel to represent Petitioner. See *Knaubert v. Goldsmith*, 791 F.2d 722, 728-30 (9th Cir. 1986); Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

IT IS SO ORDERED.